

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) 3:16-CR-050-LRH-(WGC)
Plaintiff,)
v.) Preliminary Order of Forfeiture
JAMES BRIAN GARCIA,)
Defendant.)

This Court finds that defendant JAMES BRIAN GARCIA pled guilty to Count One of a One-Count Indictment charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 27.

This Court finds defendant JAMES BRIAN GARCIA agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 27.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant JAMES BRIAN GARCIA pled guilty.

The following property is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c):

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1. a Taurus, Model PT111, semi-automatic 9mm handgun bearing serial number TTG 45167; and
 2. any and all ammunition

(all of which constitutes property).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of JAMES BRIAN GARCIA in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
2 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,
3 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the
4 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of
5 the publication on the official internet government forfeiture site, www.forfeiture.gov.

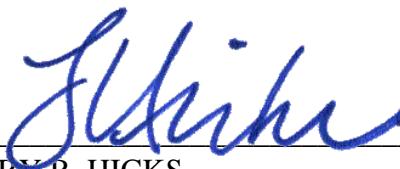
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
7 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
8 the following address at the time of filing:

9 Greg Addington
10 Assistant United States Attorney
11 100 West Liberty Street, Suite 600
12 Reno, NV 89501

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
14 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
15 agency following publication of notice of seizure and intent to administratively forfeit the above-
described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
17 of this Order to all counsel of record.

18 DATED this 24th day of August, 2017.

19 
20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE